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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
LUIS HIGUERA LOPEZ,  
  
Defendant.

CASE NO. 1:22-CR-00305-JLT-SKO

STIPULATION TO VACATE STATUS  
CONFERENCE AS TO LUIS HIGUERA LOPEZ  
AND SET CASE FOR CHANGE OF PLEA AND  
PROPOSED ORDER THEREON

Court: Hon. Jennifer L. Thurston

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on August 30, 2023, at 1:00 p.m.

2. By this stipulation, defendant now moves to vacate the status conference as to Luis HIGUERA LOPEZ and to **set the case for a change of plea hearing on September 11, 2023 at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing.

3. The parties agree and stipulate, and request that the Court find the following:

a) The discovery associated with this case includes body-worn camera, investigative reports, photographs, aerial surveillance video, hours of records, and other evidence. All of this discovery has been either produced directly to counsel and/or made available for inspection and

1 copying. In addition, the government has confidential discovery that it has made available to  
2 defense at the government's office.

3 b) Defense counsel needs the additional time to meet with his client and prepare for  
4 the change of plea hearing.

5 c) Counsel for the defendant believes that failure to grant the above-requested  
6 continuance would deny him the reasonable time necessary for effective preparation, taking into  
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of August 30, 2023 to September 11,  
14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and B(iv)  
15 because the continuance is granted by the Court at defendant's request on the basis of the Court's  
16 finding that the ends of justice served by taking such action outweigh the best interest of the  
17 public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
20 must commence.

21 IT IS SO STIPULATED.

22 Dated: August 14, 2023

PHILLIP A. TALBERT  
United States Attorney

23  
24 By: /s/ JUSTIN J. GILIO  
25 JUSTIN J. GILIO  
26 Assistant United States Attorney

27 Dated: August 14, 2023

/s/ David Torres  
Attorney for Defendant Luis Higuera Lopez

**ORDER**

IT IS SO ORDERED.

DATED: 8/15/2023

*Sheila K. Oberto*  
HONORABLE SHEILA K. OBERTO  
United States Magistrate Judge